

REMARKS

Applicants have amended claims 1 and 5 and added new claims 25-27 and 26 to pursue alternative ways of claiming their invention. These amendments are supported by page 7, lines 17-19, page 14, lines 1-3, and Figures 13A-13D of the application as filed. Accordingly, the amendments do not introduce new matter and should be entered.

Claims 1-4 stand rejected under 35 USC 103(a) on Ohara in view of Tapp. Claims 1-23 stand rejected under 35 USC 103(a) on Nighy in view of Tapp. The Examiner asserts that Ohara and Nighy each disclose “the claimed invention except for a retainer”, and maintains that it would have been obvious to modify Ohara or Nighy with Tapp’s clamps 22 in order to produce the claimed invention. Applicants respectfully traverse these rejections.

Firstly, the proposed combination of Ohara or Nighy with Tapp would not produce the claimed invention because Tapp’s clamps 22 are not configured to releasably attach the wand to the body when “the wand is in the retracted state and *the hose passes at least once around the main body*”, as claimed. Rather, as shown in Tapp’s Figure 2, when Tapp’s tube 15 is secured to clamps 22, Tapp’s hose 13 does not and cannot pass around Tapp’s body 10. Accordingly, even if Ohara or Nighy were combined with Tapp, the resulting article would not fall within the scope of claims 1-23.

The Examiner argues that “[t]he limitation around the vacuum cleaner is relative which part in which way and orientation the applicant is going around the cleaner. This means it does go around because you have multiple point on the body that this could go around.” By this argument, Applicants understand that the Examiner maintains that the relevant limitation can be satisfied by the mere presence of a hose passing by multiple points on a body. For instance, Applicants understand that the Examiner maintains that Tapp’s hose passes around Tapp’s body by passing generally through an area around the body. Applicants respectfully disagree with this interpretation.

The limitation “the hose passes at least once around the main body” requires that the hose form a complete path around the main body, as shown, for example, in Figure 13A of the application as filed. Tapp clearly fails to satisfy this requirement, as Tapp’s hose (see, e.g., Figure 2) merely traces an open curve about an empty space. Moreover, due to the orientation of Tapp’s wand relative to Tapp’s body, it would be impossible for Tapp’s relatively short hose to form a complete path around the body while the wand is attached to the body. Because Tapp fails to disclose a hose passing at least once around a main body, as claimed, the rejection of claims 1-23 must be withdrawn.

Secondly, claim 1, as currently amended, recites a main body comprising a separating apparatus mounted on a chassis, and a wand that is releasably attached to the separating apparatus. The cited references, taken individually or in combination, fail to disclose a wand releasably attached to a separating apparatus. For instance, Tapp merely discloses a wand releasably attached to a canister but not a separating apparatus. Because the cited references fail to disclose a separating apparatus and wand having the claimed configuration, the rejection of claim 1 should be withdrawn.

While Nighy does disclose a separating apparatus, it would not have been obvious to modify Nighy’s separating apparatus to include Tapp’s clamps 22 because clamps 22 are designed for a purpose that is incompatible with Nighy’s construction. In particular, clamps 22 are designed to allow Tapp’s vacuum to be used in both horizontal and upright configurations. In contrast, Nighy’s cleaner is not designed to function as an upright cleaner. For instance, Nighy’s cleaner cannot be tilted forward because of the location of its hose, and it cannot be tilted backward because this would invert the separating apparatus, causing the cleaner to malfunction. Because Tapp’s clamps 22 are designed for a purpose that is incompatible with Nighy’s construction, one skilled in the art would not have considered modifying Nighy with Tapp’s clamps and therefore the rejections of claim 1 should be withdrawn.

Finally, claim 6 recites "an upper surface of the main body comprises a channel for receiving the wand and the wand and the main body incorporate a retainer." The cited references, taken individually or in combination, fail to disclose a channel as claimed. For instance, there is no channel formed in an upper surface of Tapp's canister 10. Rather, Tapp's canister 10 merely has attached clamps for receiving tube 15. Because the cited references fail to disclose a channel as claimed, the rejection of claim 6 should be withdrawn.

Claims 2-5 and 7-23 depend from claims 1 and 6 and are therefore patentable at least based on their respective dependences. New claims 25-27 recite features similar to those discussed above in relation to claims 1-23 and are therefore patentable at least for reasons similar to those already presented.

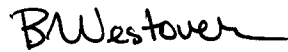
Early action allowing claims 1-23, and 25-27 is solicited.

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Respectfully submitted,

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